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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

NEETA THAKUR, <i>et al.</i> ,)	Case No. 25-cv-4737-RFL
Plaintiffs,)	
v.)	FEDERAL DEFENDANTS' THIRD
)	UNOPPOSED ADMINISTRATIVE MOTION
DONALD J. TRUMP, in his official capacity as)	FOR A STAY OF CERTAIN OBLIGATIONS AND
President of the United States, <i>et al.</i> ,)	DEADLINES IN LIGHT OF LAPSE OF
Defendants.)	APPROPRIATIONS
)	Judge: Hon. Rita F. Lin
)	
)	

Pursuant to Civil Local Rule 7-11 and Federal Rule of Civil Procedure 6(b)(1)(A), Defendants hereby move the Court for an order staying certain obligations imposed upon it by the Court's Preliminary Injunction Order dated 9/22/2025, ECF No. 134, specifically to stay for 7 additional days the National Institutes of Health's ("NIH") obligation to reinstate grants that have not yet been reinstated.

FED. DEFS' THIRD STAY MOTION
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1 1. At midnight on September 30, 2025, the appropriations act that had been funding the
2 Department of Justice expired and appropriations to the Department lapsed. The same is true for other
3 Executive agencies, including the federal Defendants. The Department does not know when funding
4 will be restored by Congress.

5 2. The Anti-Deficiency Act, 31 U.S.C. §1341, as construed by the Attorney General,
6 provides that in the absence of appropriated funds no obligation can be incurred except for the protection
7 of life and property, the orderly suspension of operations, or as otherwise authorized by law. Absent an
8 appropriation, Department of Justice attorneys and employees of the Defendant agencies are prohibited
9 from working, even on a volunteer basis, “except for emergencies involving the safety of human life or
10 the protection of property.” 31 U.S.C. § 1342. An officer or employee of the United States who violates
11 31 U.S.C. § 1341(a) (obligate/expend in excess or advance of appropriation), § 1342 (voluntary services
12 prohibition), or § 1517(a) (obligate/expend in excess of an apportionment or administrative subdivision
13 as specified in an agency’s regulations) “*shall* be subject to appropriate administrative discipline
14 including, when circumstances warrant, suspension from duty without pay or removal from office.” 31
15 U.S.C. §§ 1349(a), 1518 (emphasis added).

16 3. Undersigned counsel expects to be furloughed for the duration of the lapse in
17 appropriations.

18 4. In addition, the work of employees from defendant agency NIH is also necessary. As
19 noted in Defendants’ status report dated 9/29/2025, NIH anticipated that it needs to review 9 remaining
20 non-UC grants to determine UC researcher involvement. ECF No. 138 at 1-2. NIH represents that its
21 grants office staff are furloughed thereby impeding those efforts.

22 5. Undersigned counsel therefore requests a stay of the Court’s Preliminary Injunction
23 Order dated 9/22/2025, ECF No. 134, inasmuch as it requires specifically for NIH to reinstate
24 terminated grants that have not yet been reinstated, for 7 additional days. The Government is not
25 seeking to stay the preliminary injunction orders generally.

26 6. Although this Court has authority to extend or stay these deadlines without a formal
27 motion or notice to opposing counsel, *see* Fed. R. Civ. P. 6(b)(1)(A), undersigned counsel contacted
28 FED. DEFS’ THIRD STAY MOTION
CASE NO. 25-CV-4737

1 Plaintiffs' counsel on October 16, 2025, and requested Plaintiffs' position. *See* Decl. of Jason Altabet
 2 (Altabet Decl.) ¶ 3. Plaintiffs' counsel graciously stated that Plaintiffs would not oppose an additional
 3 7-day stay/extension as set forth above. *Id.*

4 7. If this motion for a stay is granted, and the lapse in appropriations continues for more
 5 than 7 days, undersigned counsel expects to return to the Court to advise on whether additional time
 6 would be needed in consultation with Plaintiffs.

7 Therefore, the Government hereby moves for a stay of the Court's Preliminary Injunction Order
 8 dated 9/22/2025, ECF No. 134, insomuch as it requires NIH to reinstate terminated grants that have not
 9 yet been reinstated, for 7 additional days.

10
 11 DATED: October 17, 2025

Respectfully submitted,

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 15 ERIC J. HAMILTON
 Deputy Assistant Attorney General

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 17 JOSEPH E. BORSON
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 19 /s/ Jason Altabet

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